

REMARKS

Applicants are submitting this amendment in an earnest effort to bring this application to issue without delay.

Applicants wish to reiterate their claim to the benefit of their Hungarian priority date of 4 August 2003 pursuant to the International Convention. Applicants have made of record a certified copy of Hungarian Patent Application P 03 02449 filed 4 August 2003 in their PCT/HU2004/000082 filed 29 July 2004 of which the instant application is the US National Phase. The Examiner has already acknowledged the Applicants' perfected right of priority.

Applicants appreciate the Examiner's indication that claim 25 is allowed and that claim 20 would be allowable if written in independent form. Applicants have now amended claims 15, 18, 21 through 24 and 26, and in view of these amendments, Applicants believe that claims 15 through 26 are all in condition for allowance.

Regarding the Examiner's rejection of claims 15 through 19, 21 through 24, and 26 under 35 USC 112, second paragraph, as indefinite, Applicants have amended independent claims 15 and 26 to replace "formula-NH-R¹" with - -NHR¹-. In claims 15, 24 and 26,

Applicants have deleted the closing parenthesis. Claim 18 has been amended to be dependent upon claim 15, instead of upon canceled claim 1. In claim 26 where R is -NHR¹ the R¹ is clearly defined as lower alkyl or lower cycloalkyl. Thus all claims now presented are in full compliance with the requirements of 35 USC 112, second paragraph.

The Examiner has rejected claims 22 and 23 under 35 USC 112, first paragraph, as beyond the scope of the enabling disclosure. The Examiner will not accept the term "central nervous system disorder" in claims 22 and 23 and will not accept the term in the specification "central nervous system disorder by inhibiting AMPA. receptors." The Examiner contends that there is not enough evidence in the specification that the compounds of the Formula (I) are effective in achieving this broadly defined effect. The Examiner argues that the specification does not disclose any evidence of pharmaceutical effectiveness and does not include any working examples for using the new compounds as practical pharmaceutical compositions.

Applicants have gone over the data in the specification and do not agree with the Examiner that the specification fails to test even one of the new compounds of the Formula (I) for therapeutic activity. Applicants point to the example on pages 18 through 20 of the specification that relates to "permanent focal

cerebral ischemia in mice" as providing proof that at least one of the new compounds is effective for treating a patient suffering from cerebral ischemia to protect the patient from neuronal loss. See especially Table 1 on page 19 and the main paragraph of page 20 of the specification. Furthermore Applicants have amended claims 22 and 23 to sharply focus on the treatment of cerebral ischemia, rather than broadly defining the invention as the treatment of a "central nervous system disorder by inhibiting AMPA receptors" so that the claims are enabled by the disclosure in the specification and the Examiner should no longer reject these claims as beyond the scope of the enabling disclosure.

Applicants believe that all claims now presented are in condition for allowance and earnestly solicit a response to that effect.

KF Ross PC

/Jonathan Myers/

by: Jonathan Myers, 26,963
Attorney for Applicant

06 January 2011
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718 884-6600
Fax: 718 601-1099
Email: email@kfrpc.com